

**REMARKS****EXAMINER INTERVIEW**

Applicants thank the Examiner for extending the courtesy of an interview to Applicants' representative on February 12, 2007. Applicants' representative discussed the outstanding 35 U.S.C. § 112 rejection with the Examiner. In particular, the numerical range in previously pending claim 22 was discussed, but no agreement was reached.

Applicants submit this Request for Continued Examination to provide the Examiner with the time necessary to fully consider Applicants' amendments and comments regarding the outstanding rejections.

**STATUS OF CLAIMS**

Claims 22, 23, 26, 32, 35, 36, 43, 45, 46, 51-54, 64-77, 79-82, 84, 86, 89, 99-111, 113-125, 128-144 and 146-168 are pending in the present application. Claim 129 is withdrawn from consideration. By virtue of this response, claims 22, 64, 106 and 155 have been amended. Accordingly, claims 22, 23, 26, 32, 35, 36, 43, 45, 46, 51-54, 64-77, 79-82, 84, 86, 89, 99-111, 113-125, 128, 130-144 and 146-168 are currently under consideration.

With respect to all amendments and cancellations, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications. No new matter has been added by the amended claims.

**CLAIM AMENDMENTS**

Claims 22, 64 and 106 have been amended to remove reference to a range of 4 to 32 and to recite valency platform molecules comprising at least two branching groups that pre-determine at least four attachments sites. Support for this amendment is found throughout the application as

filed, see *e.g.*, page 3, lines 20-30, page 19, lines 14-19 and the numerous formulae, examples and figures depicting valency platform molecules having at least two branching groups that pre-determine at least four attachment sites and conjugates obtainable thereby. See *e.g.*, pages 31, 32, 33, 34, 37, 38, 39, 81, 83, 84, 85, 87, 88 and Figures 6A, 6B, 7 and 13 of the application as filed.

Claim 155 has been amended to remove reference to claim 38, which is cancelled.

## CLAIM REJECTIONS

### **Obviousness-Type Double Patenting**

Claims 22 and 64 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Patent No. 5,276,013. In response, Applicants traverse the rejection for the reasons of record.

Claims 22 and 64 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Patent No. 6,060,056. In response, Applicants traverse the rejection for the reasons of record.

Claims 22 and 64 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 22 and 32 of U.S. Patent Application No. 09/753,350. In response, Applicants note the provisional nature of the present rejection and will address the merits upon receiving an indication of otherwise allowable subject matter.

### **Rejections under 35 USC § 112**

Claims 22, 23, 26, 32, 35, 36, 43, 45, 46, 51-54, 64-77, 79-82, 84, 86, 89, 99-111, 113-125, 128, 130-144, 146-168 are rejected under 35 USC § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention.

Independent claims 22, 64 and 106 have been amended to remove reference to a range of 4 to 32 attachment sites and to recite valency platform molecules comprising at least two branching groups that pre-determine at least four attachments sites. This amendment is supported by the specification as noted above and sets forth the relationship between the branching groups and the valency. That is, the at least two branching groups pre-determines the at least four attachment sites and the hence, the valency of the platform molecule.

Applicants have retained reference to “termini” in the present claims because it is clear from the application as filed that an attachment site is situated at the end, or terminus, of a valency platform molecule. There are a myriad of valency platform molecules having attachment sites located at their termini and conjugates made thereby throughout the application as filed, such as those found in on pages 31, 32, 33, 34, 37, 38, 39, 81, 83 ,84, 85 ,87, 88 ,83 and in Figures 6A, 6B, 7 and 13.

As previously noted, *ipsis verbis* recitation of claim terms in the specification is not required for compliance with the written description requirement of 35 U.S.C. §112. MPEP § 2163(II)(A). A specification which provides description of the claimed invention such that a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, will have satisfied the written description requirement, “even if every nuance of the claims is not explicitly described in the specification.” *Id.* It is clear to a person of skill in the art that attachment sites as described in the specification as filed are located at the termini of the valency platform molecule.

Applicants respectfully request removal of the 35 USC § 112, first paragraph rejection of claims 22, 23, 26, 32, 35, 36, 43, 45, 46, 51-54, 64-77, 79-82, 84, 86, 89, 99-111, 113-125, 128, 130-144, 146-168 in view of the remarks and amendments presented.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants also enclose a Supplemental Information Disclosure Statement.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to *Deposit Account No. 03-1952* referencing docket no. **252312005704**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 28, 2007

Respectfully submitted,

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